THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3635 OF 1999

13.02.2006

Between:

Kalakota Rangachary, S/o.late Ramanuja Chary

… Petitioner

AND

The Assistant Director, District Survey & Land Records,

Warangal, Warangal District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3635 OF 1999

ORDER:

The petitioner claims to be pattadar of land in survey No.645 of Ghanpur village in Warangal District. The neighbour of the petitioner, one Butchi Reddy, statedly owns the land to an extent of Acs.10.37 guntas in survey No.667. It appears, Butchi Reddy sold the land to various persons. It is the case of the petitioner that Butchi Reddy sold the land admeasuring Acs.11.32 guntas including the land of the petitioner in survey No.645. In the revenue records also, the land in survey No.667 was shown as Acs.11.32 guntas instead of Acs.10.37 guntas. Taking advantage of the same, the third respondent allegedly making attempts to grab the property of the petitioner. The third respondent in collusion with the revenue officials tried to refix the boundary stones and also the area under the occupation of the petitioner. Therefore, the petitioner approached the first respondent for certified copies of the notice issued before demarcation. The same was denied. Therefore, the petitioner filed the present writ petition seeking a writ of Mandamus declaring the action of the first respondent in demarcating the boundaries of the land in survey No.667 affecting the rights of the petitioner as illegal and arbitrary.

Initially, this Court while admitting the writ petition passed interim orders suspending the orders fixing the boundaries of survey No.667. Subsequently, an application being W.V.M.P.No.2397 of 1999 was filed by the third respondent. This Court having noticed Section 11 of A.P. Survey and Boundaries Act, 1923 (the Act, for brevity) vacated the interim order observing that if any person is aggrieved by the survey proceedings, appeal has to be filed before the District Collector. In spite of such direction, the petitioner has not moved the appellate authority.

The petitioner's contention that the land in survey No.645 belongs to him is shown to be part of the land in survey No.667 belonged to Butchi Reddy, who sold the land to others including the third respondent. This is a matter, which requires verification of facts. Such an exercise can be done by the appellate authority. Therefore, the petitioner is given liberty to file an appeal against the demarcation proceedings before the appellate authority under Section 11 of the Act. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

February 13, 2006

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